

### **REMARKS**

The non-final Office Action of March 14, 2007 has been carefully reviewed and this paper is Applicants' response thereto. Claims 80, 82-86 and 89-107 are pending. Claims 1-79 and 110-141 were previously withdrawn. Claims 81, 87-88 and 108-109 were previously cancelled. Claims 80, 82, 83, 85, 86, 89, 103, 106 and 107 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,354,279 to Höfling ("Höfling"). Claims 84, 90-93, 95-102, 104, and 105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Höfling in view of U.S. Patent No. 4,533,346 to Cosgrove, Jr. et al. ("Cosgrove"). Claim 94 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Höfling in view of Cosgrove in further view of U.S. Patent No. Re. 36,386 to Abbott et al. ("Abbott").

In response, Applicants respectfully request reconsideration of the application in view of the above amendments and the following remarks.

### **Amendments to the Claims**

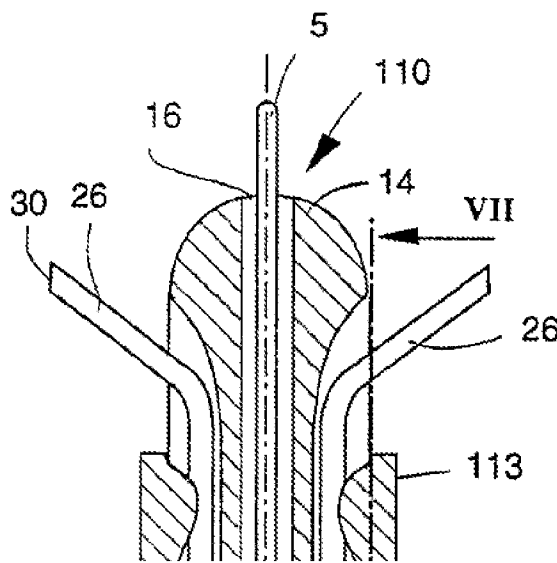
Claims 80, 102, and 103 have been amended to recite the feature "a cannula . . . with a plurality of openings . . . at least one of the openings having a curved passageway defined by an inner curve and an outer curve, the inner curve and the outer curve having substantially the same shape . . . ." The curved passageway defining an inner curve and an outer curve is shown in Figure 9 and the specification as filed. Therefore, these amendments add no new matter.

### **Rejection Under 35 U.S.C. § 102(b) – Höfling**

The Office Action rejected claims 80, 82, 83, 85, 86, 89, 103, 106 and 107 under 35 U.S.C. § 102(b) as being anticipated by Höfling. Amended claim 80 includes the feature "at least one of the openings having a curved passageway defined by an inner curve and an outer curve, the inner curve and the outer curve having substantially the same shape, so as to direct a catheter away from the central axis of the cannula along the predetermined trajectory...."

Applicants respectfully submit that Höfling fails to disclose such a feature. Höfling discloses groove-like openings 28, acting as a guide for the pre-bent needles 26, and projections 113 for "preventing pivoting of the needles when they are extended." (Höfling, Col. 6, Ln. 45-54). Höfling, however, does not disclose that the groove-like openings are defined by an inner

curve and an outer curve, the inner curve and the outer curve having substantially the same shape. Rather, as can be appreciated from Fig. 5 of Höfling, the projections 113 have a different shape than the inner curves of the groove-like openings 28.



Höfling, Fig. 5. Höfling, therefore, does not disclose all the features of claim 80 and would fail to provide all the benefits of the claimed subject matter. Therefore, Höfling cannot fairly be said to anticipate amended claim 80.

Claims 82, 83, 85, 86, and 89 depend from claim 80 and are not anticipated for at least the reasons that claim 80 is not anticipated and for the additional features recited therein.

Independent claim 103 also recites the above discussed feature of claim 80. Thus, claim 103 is not anticipated by Höfling for at least the reasons that claim 80 is not anticipated.

Claims 106 and 107 depend from independent claim 103. Therefore, claims 106 and 107 are not anticipated by Höfling for at least the reasons discussed above with respect to claim 103 and for the additional features recited therein.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

#### **Rejection Under 35 U.S.C. § 103(a) – Höfling and Cosgrove**

The Examiner rejected claims 84, 90-93, 95-102, 104, and 105 under 35 U.S.C. § 103(a) as being unpatentable over Höfling in view of Cosgrove.

Claims 84, 90-93, and 95-101 depend from claim 80. As noted above, Höfling fails to disclose all the features of claim 80 and it was not suggested that Cosgrove corrects the above noted deficiency in Höfling. Therefore, claims 84, 90-93, and 95-101 are patentable for at least the reasons that claim 80 is patentable and for the additional features recited therein.

Independent claim 102 recites a feature similar to the above discussed feature of claim 80 and as noted above, Höfling fails to disclose all the features of claim 80. As Cosgrove was not suggested to correct the above noted deficiency, the combination of Höfling and Cosgrove fails to disclose, suggest or teach all the features of claim 102. Consequentially, claim 102 is patentable over the references of record for at least the reasons that claim 80 is patentable.

Claims 104 and 105 depend from claim 103. Therefore, claims 104 and 105 are patentable for at least the reasons that claim 103 is patentable and for the additional features recited therein.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

**Rejection Under 35 U.S.C. § 103(a) – Höfling, Cosgrove and Abbott**

The Examiner rejected claim 94 under 35 U.S.C. § 103(a) as being unpatentable over Höfling in view of Cosgrove in further view Abbott. Claim 94 depends from claim 80. As noted above, Höfling fails to disclose all the features of claim 80 and neither Cosgrove nor Abbott were suggested as correcting the above noted deficiency in Höfling. Therefore, claim 94 is patentable for at least the reasons that claim 80 is patentable and for the additional features recited therein.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

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**CONCLUSION**

All rejections having been addressed, the Applicant respectfully submits that the instant application is in condition for allowance, and earnestly solicits prompt notification of the same.

Respectfully submitted,  
  
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